

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

JAMES PAYNE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:03CV369-P-A

**FIRST NATIONAL BANK OF CLARKSDALE,
GULF GUARANTY LIFE INSURANCE COMPANY,
LEDBETTER AUTO SALES, JOE ALDERSON and
JOHN DOES 1-9**

DEFENDANTS

ORDER

This cause is before the Court on the defendants' Motion(s) to Strike [96-1] and [97-1]. The Court, having reviewed the motion, the response, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

That the motions are well-taken and should be granted on the same grounds advanced by defendants. Plaintiff failed to timely designate Thomas W. Vastrick as an expert; likewise, he failed to identify Guy Smith as a possible fact witness in his initial disclosures and/or responses to defendants' discovery requests.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendants' Motion(s) to Strike [96-1] and [97-1] are well-taken and should be, and hereby are, GRANTED.

SO ORDERED, this the 20th day of December, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE